

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PARTS ID, LLC,

Plaintiff,

v.

IDPARTS LLC,

Defendant.

Civil Action No. 20-cv-11253-ADB

IDPARTS LLC,

Counterclaim Plaintiff,

v.

PARTS ID, LLC and PARTS ID, INC.,

Counterclaim Defendants.

SECOND AMENDED JOINT STIPULATION OF FACTS

Plaintiff and Counterclaim Defendant PARTS iD, LLC (“Plaintiff”) and Defendant and Counterclaim Plaintiff IDParts LLC (“Defendant”) hereby submit the following stipulation of facts. This Second Amended Joint Stipulation of Facts replaces the one filed on November 12, 2023 (Dkt. No. 188).

1. Plaintiff first began using “CarID” in commerce in connection with the online sale of automotive products beginning on March 10, 2009 and has continued such use in substantially the same form ever since.

2. Plaintiff began using the URL “carid.com” in connection with the online sale of automotive products beginning on March 10, 2009.

3. U.S. Registration No. 3,711,746 for CARID was issued to Plaintiff on November 17, 2009.

4. U.S. Registration No. 5,804,750 for ID was issued to Plaintiff on July 16, 2019.

5. U.S. Registration No. 5,658,672 for ID was issued to Plaintiff on January 22, 2019.

6. U.S. Registration No. 6,100,524 for CARID was issued to Plaintiff on July 14, 2020.

7. U.S. Registration No. 6,096,254 for ID was issued to Plaintiff on July 7, 2020.

8. Defendant first began using “IDParts” in commerce in connection with the online sale of automotive products beginning in January of 2010 and has continued such use in substantially the same form ever since.

9. Defendant first began using the URL “idparts.com” in connection with the online sale of automotive products beginning in January of 2010 and has continued such use in substantially the same form ever since.

10. Plaintiff sells automotive products through its website “carid.com”.

11. Defendant sells automotive products for diesel automobiles through its website “idparts.com”.

12. As of May 16, 2022, Plaintiff had not received emails, text messages, phone calls, documents, social media messages, or invoices clearly intended to go to Defendant.

13. Defendant filed a trademark application for “[®]id” with the United States Patent and Trademark Office on October 3, 2014.

14. Defendant’s application for “[®]id” was filed in International Class 35 for “On-line retail and wholesale services featuring auto parts.”

15. Defendant's application for "iD" stated that the date of first use was "at least as early as April 1, 2011."

16. Defendant became aware of Plaintiff's Registration No. 5,658,672 by January 23, 2015.

17. Defendant became aware of Plaintiff's Registration No. 3,711,746 by January 23, 2015.

18. Defendant became aware of Plaintiff's Registration No. 3,711,745 by January 23, 2015.

19. Defendant's trademark application was suspended by the United States Patent and Trademark Office on January 23, 2015.

20. Defendant's trademark application remained suspended until July 21, 2019.

21. On July 21, 2019, the United States Patent and Trademark Office issued an Office Action refusing to register Defendant's trademark application.

22. Defendant did not respond to the Office Action.

23. On April 14, 2020, Defendant's trademark was abandoned because Defendant did not respond to the Office Action.

Respectfully submitted,

/s/ Jason Balich

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Dated: November 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2023 a true and correct copy of the foregoing **JOINT PRETRIAL MEMORANDUM** was served via email on the following:

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